

**JUDGE KELLER**

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION**

-----X	:	Civil Action No. 09-506
ORBIS PATENTS LTD.,	:	
ORBISCOM IRELAND LTD., and	:	
ORBISCOM INC.,	:	
	:	<b>COMPLAINT</b>
Plaintiffs,	:	<b>(Jury Trial Demanded)</b>
	:	
- against -	:	
	:	
VERIENT INC.,	:	
	:	
Defendant.	:	
-----X	:	

Plaintiffs Orbis Patents Ltd., Orbiscom Ireland Ltd., and Orbiscom Inc.

(collectively "Orbiscom") hereby complain and allege the following claims against defendants

Verient Inc. ("Verient"):

**NATURE OF THE ACTION**

1. This is a complaint for patent infringement.

**THE PARTIES**

2. Orbis Patents Ltd. is a foreign corporation having its principal place of business at Block 1, Blackrock Business Park, Carysfort Avenue, Blackrock, Co. Dublin, Ireland.
3. Orbiscom Ireland Ltd. is a foreign corporation having its principal place of business at Block 1, Blackrock Business Park, Carysfort Avenue, Blackrock, Co. Dublin, Ireland.
4. Orbiscom Inc. is a Delaware corporation having its principal place of

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business at 2000 Purchase Street, Purchase, New York 10577. Orbiscom Ireland Ltd. has an exclusive license from Orbis Patents Ltd. within the United States of U.S. Patent Nos. 7,593,896, 7,571,142, and 7,567,934. Orbiscom Inc. has an exclusive license from Orbiscom Ireland Ltd. within the United States of U.S. Patent Nos. 7,593,896, 7,571,142, and 7,567,934.

5. On information and belief, defendant Verient is a Delaware corporation having its principal place of business located at 1190 Saratoga Avenue #220, San Jose, California 95129.

#### **JURISDICTION AND VENUE**

6. This action arises under the Acts of Congress relating to patents, including Title 35 United States Code § 271 and §§ 281-285.

7. This Court has subject matter jurisdiction under the provisions of Title 28 United States Code §§ 1331 and 1338(a).

8. Venue is proper within this district under the provisions of Title 28 United States Code § 1391(b)-(c) and § 1400(b).

9. Upon information and belief, defendant Verient has committed, induced, and/or contributed to tortious acts of infringement in the State of New York, and in this judicial district.

10. Upon information and belief, defendant Verient has also committed, induced, and/or contributed to acts of infringement outside of the State of New York causing injury to Plaintiffs including at least Orbiscom Inc. within the State of New York. Verient should reasonably expect such acts to have consequences in the State of New York because Verient advertises its payment solutions on its website to entice banks and others within the State of New York to use such systems, products, and/or services, causing injury to at least Orbiscom

Inc. On information and belief, Verient derives substantial revenue from interstate or international commerce.

11. This Court has personal jurisdiction over defendant Verient.

**COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,593,896**

12. Orbis Patents Ltd. is the owner of U.S. Patent No. 7,593,896 (the “‘896 Patent”), entitled “Credit Card System and Method.” The ‘896 Patent issued on September 22, 2009. A true copy of the ‘896 Patent is attached as Exhibit A.

13. On information and belief, defendant Verient has manufactured, used, sold, provided and/or offered to sell, in this judicial district and elsewhere in the United States, and/or imported into the United States, systems, products, and/or services that infringe one or more claims of the ‘896 Patent either literally or under the doctrine of equivalents.

14. On information and belief, defendant Verient has manufactured, used, sold, provided, or offered to sell systems, products, or services, and/or has provided instructions regarding the use of those systems, products and/or services that constitute or effect contributory and/or induced infringement of the ‘896 Patent.

15. For example, and without limitation, on information and belief, Verient’s offer and/or implementation of payment solutions such as NYCE Payments Network, LLC’s SafeDebit products, including the ATM/Debit on the Internet and “Pay My Way” Card, offered or used by Verient, and/or others under the direction and control of Verient, in this judicial district and elsewhere in the United States, infringes one or more claims of the ‘896 Patent.

16. Defendant Verient is liable for directly and/or indirectly infringing the ‘896 Patent under 35 U.S.C. § 271.

17. The infringement of the '896 Patent by defendant Verient has injured and damaged Orbiscom and will continue to cause Orbiscom irreparable harm unless enjoined by this Court.

**COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,571,142**

18. Orbiscom repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

19. Orbis Patents Ltd. is the owner of U.S. Patent No. 7,571,142 (the "'142 Patent"), entitled "Credit Card System and Method." The '142 Patent issued on August 4, 2009. A true copy of the '142 Patent is attached as Exhibit B.

20. On information and belief, defendant Verient has manufactured, used, sold, provided and/or offered to sell, in this judicial district and elsewhere in the United States, and/or imported into the United States, systems, products, and/or services that infringe one or more claims of the '142 Patent either literally or under the doctrine of equivalents.

21. On information and belief, defendant Verient has manufactured, used, sold, provided, or offered to sell systems, products, or services, and/or has provided instructions regarding the use of those systems, products, and/or services that constitute or effect contributory and/or induced infringement of the '142 Patent.

22. For example, and without limitation, on information and belief, Verient's offer and/or implementation of payment solutions such as NYCE Payments Network, LLC's SafeDebit products, including the ATM/Debit on the Internet and "Pay My Way" Card, offered or used by Verient, and/or others under the direction and control of Verient, in this judicial district and elsewhere in the United States, infringes one or more claims of the '142 Patent.

23. Defendant Verient is liable for directly and/or indirectly infringing the '142 Patent under 35 U.S.C. § 271.

24. The infringement of the '142 Patent by defendant Verient has injured and damaged Orbiscom and will continue to cause Orbiscom irreparable harm unless enjoined by this Court.

**COUNT III - INFRINGEMENT OF U.S. PATENT NO. 7,567,934**

25. Orbiscom repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

26. Orbis Patents Ltd. is the owner of U.S. Patent No. 7,567,934 (the "'934 Patent"), entitled "Credit Card System and Method." The '934 Patent issued on July 28, 2009. A true copy of the '934 Patent is attached as Exhibit C.

27. On information and belief, defendant Verient has manufactured, used, sold, provided and/or offered to sell, in this judicial district and elsewhere in the United States, and/or imported into the United States, systems, products, and/or services that infringe one or more claims of the '934 Patent either literally or under the doctrine of equivalents.

28. On information and belief, defendant Verient has manufactured, used, sold, provided, or offered to sell systems, products, or services, and/or has provided instructions regarding the use of those systems, products, and/or services that constitute or effect contributory and/or induced infringement of the '934 Patent.

29. For example, and without limitation, on information and belief, Verient's offer and/or implementation of payment solutions such as NYCE Payments Network, LLC's SafeDebit products, including the ATM/Debit on the Internet and "Pay My Way" Card, offered

or used by Verient, and/or others under the direction and control of Verient, in this judicial district and elsewhere in the United States, infringes one or more claims of the '934 Patent.

30. Defendant Verient is liable for directly and/or indirectly infringing the '934 Patent under 35 U.S.C. § 271.

31. The infringement of the '934 Patent by defendant Verient has injured and damaged Orbiscom and will continue to cause Orbiscom irreparable harm unless enjoined by this Court.

### **PRAYER FOR RELIEF**

WHEREFORE, Orbiscom prays for judgment declaring and/or ordering as follows:

- a. That defendant Verient has directly infringed the '896, '142, and/or '934 Patents;
- b. That defendant Verient has actively induced the infringement by others of the '896, '142, and/or '934 Patents;
- c. That defendant Verient has contributorily infringed the '896, '142, and/or '934 Patents;
- d. In accordance with 35 U.S.C. § 284, that defendant Verient be ordered to make or be subjected to a full and prompt accounting for, and to pay to Orbiscom, all monetary damages to which Orbiscom is entitled (together with prejudgment interest and Orbiscom's costs and disbursements) as a consequence of and adequate to compensate for the infringing acts of defendant Verient, including but not limited to actual damages, a reasonable royalty, Orbiscom's lost profits and lost future profits, and/or other monetary losses, plus interest;

- e. That defendant Verient pay Orbiscom an amount to be determined covering Orbiscom's incidental damages, including but not limited to the injury suffered to Orbiscom's good will, plus interest;
- f. That this case be declared exceptional in accordance with 35 U.S.C. § 285 and that plaintiffs Orbiscom be awarded and Verient pay Orbiscom's attorneys' fees, if and to the extent that the infringing, inducing to infringe, and contributorily-infringing actions of defendant Verient have been willful, and that Orbiscom recover from Verient increased and punitive damages for said willful infringing acts of Verient;
- g. That a preliminary and permanent injunction be entered enjoining and prohibiting the direct or indirect manufacture, sale, offer for sale, use, provision, or importation by Verient of the infringing products, systems, or services; and
- j. That Orbiscom be awarded its court costs and expenses, and such other and further relief as this Court may deem just and equitable.

**A JURY TRIAL IS DEMANDED ON ALL ISSUES SO TRIABLE.**

November 16, 2009

Respectfully submitted,

BAKER BOTTS L.L.P.

By: 

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